

IN THE MATTER OF GWYNNE KESSELMAN, JOSEPH LaCORTE and PHILIP LABASI, Respondents, EDISON BOARD OF EDUCATION	: : : : : : : : :	Before the School Ethics Commission Docket No.: C38-95 DECISION
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PROCEDURAL HISTORY

The above-captioned matter arises from a claim that the respondents violated the School Ethics Act, N.J.S.A. 18A:12-21 et seq., by influencing the hiring of their relatives by the school board. Mr. K. Karl Kovach filed this complaint

FACTS

On the basis of the pleadings and the records submitted, the Commission finds the following facts to be undisputed.

1. Respondent was elected to the Paulsboro Board of Education on April 18, 1995. He was seated as a board member at the meeting of April 25, 1995. He had not previously served as a board member in any district.

2. At the time of his election, his wife was employed by the Paulsboro Board of Education as a classroom aide. She had previously been employed by the board as a lunch aide and served in that capacity from approximately 1978 to 1987, when she was hired as a classroom aide.

3. At the June 13, 1995, meeting of the Paulsboro Board of Education, the Superintendent recommended employment of substitute teachers and teacher's aides for the 1995-1996 school year. The recommendation was to hire 32 aides including Mrs. Wurtz. The Superintendent recommended Mrs. Wurtz for employment at \$8.11/hour for 5.5 hours per day, 5 days per week.

4. Two other board members moved and seconded the recommendation of the Superintendent. Mr. Wurtz voted for the resolution accepting the Superintendent's recommendations including the hiring of his wife. The nine board members present passed the resolution unanimously.

5. Mr. Wurtz later realized that he should not have voted and acknowledged his error at the November 14, 1995, board meeting.

ANALYSIS

Complainant set forth that respondent violated N.J.S.A. 18A:12-24 of the School Ethics Act, but did not set forth a particular subsection of the act. The subsections that are applicable to the above facts are N.J.S.A. 18A:12-24(b), (c), and (f).

Subsection (b) provides:

No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family, or others.

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to the parties, any party may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 225 East State Street, CN 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

Respectfully submitted,

Paul C. Garbarini
Chairman, School Ethics Commission

Resolution Adopting Decision -- C01-96

Whereas, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof and if applicable, has considered the arguments raised by parties in subsequent submissions; and

Whereas, the Commission has reviewed the proposed decision of its staff; and

Whereas, the Commission agrees with the proposed decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairman

I hereby certify that the Resolution
was duly adopted by the School
Ethics Commission at its public meeting
on May 28, 1996

Lisa James-Beavers
Executive Director